

Exhibit 23:

Senator Jeffrey Irwin Declaration

DECLARATION OF JEFF IRWIN

1. I, Jeff Irwin, am a Michigan State Senator representing the 15th District.

2. I am very familiar with the legislative process in Lansing.

3. I have been involved in several criminal justice reform efforts in Michigan.

4. Many legislators understand that there are serious problems with Michigan's sex offender registry because it covers so many people and does not allow for individual review. However, legislators have been unwilling to act. There are a couple reasons for this.

5. "Sex offenders" are reviled. Many legislators, like the public, assume the people who commit such offenses deserve to be punished forever and should be shut out of society.

6. The registry obscures the differences between offenders and offenses, creating the impression that all registrants are equally dangerous. Yet because the public hates people on the registry, legislators are afraid to reform the registry or address the fact that not everyone on the registry is the same.

7. Politicians want to get reelected, and laws targeting people who commit sex offenses are popular. Lots of bills get introduced or passed to add to the restrictions on registrants. As a result, over time, Michigan's registry has gotten bigger, with more people being added. And it has gotten harsher, with more restrictions being

imposed. Politicians are concerned that even advocating for sensible reforms to the registry, like allowing for individual review, will put an end to their political careers.

8. In addition, people with sex offenses are almost always cut out of criminal justice reform bills. It is just too politically difficult to pass criminal justice reform legislation if it could be seen as reducing the punishments for people with sex offenses.

9. Even legislators who understand the Michigan's registry needs to be reformed are afraid to act, which is understandable given that sex offender issues are commonly used in attack ads. Recently, Republican campaigns in particular accuse Democratic candidates of being soft on crime. Linking candidates to convicted MSU doctor Larry Nassar is one approach I've seen, as well as a recent uptick in "Q-anon"-inspired accusations. Accusing somebody of sexual crimes and child sex trafficking is becoming more and more common, especially online.

10. I've spoken to many other legislators who privately hope that they courts will fix the registry. These legislators understand that Michigan's registry needs to be reformed, but they don't want to have to vote on it.

11. Most legislators aren't swayed by the facts or the science concerning sexual offending or the registry. While we have generally seen progress towards evidence-based criminal justice reform in Lansing, that is not true for the registry. The fear of

being seen as soft on sex offenders means that the evidence and research are disregarded.

12. Finally, because people with sex offenses are such a demonized group, and because they are dispersed and lack any political clout, legislators simply do not care about them. Over the last decade, registrants and their family members have come to Lansing to try to educate legislators about SORA and to plead for reform. But legislators don't believe they can afford to listen about reform, let alone to act on it.

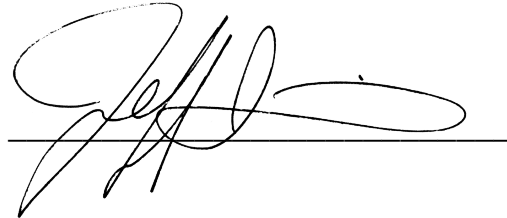
13. It was particularly disheartening to see the failure of the legislature to respond to the judicial decisions about SORA's unconstitutionality. While there was a work group that was convened, and while stakeholders made significant progress on a bill that would have brought commonsense reforms to the registry, it was not possible to get those reforms through the legislative process.

14. And this was not the first failed workgroup that tried to amend SORA. Back around 2012 a workgroup was formed in the State House Judiciary Committee that involved a broad range of stakeholders. A number of changes were proposed that had support from groups representing law enforcement, victims' rights groups, and more. Ultimately, like other similar efforts, nothing was advanced despite broad agreement because of the politically toxic nature of SORA.

15. In sum, I have come to believe, based on my experience, that it is impossible, or next to impossible, to address the problems with the sex offender registry through

the legislative process. The issue is just so toxic and so misunderstood that even commonsense reforms cannot move forward.

I, Jeff Irwin, certify under penalty of perjury that the above statement is true and correct pursuant to 28 U.S.C. § 1746.

A handwritten signature in black ink, appearing to read 'Jeff Irwin', is written over a horizontal line.

Jeff Irwin

Dated: March 21, 2023